

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION FULL BOARD OF FORESTRY MEETING

Riverside, CA

April 5, 2007

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
David Nawi
Pam Giacomini
Jim Ostrowski
Lloyd Bradshaw
Gary Nakamura

MEMBERS ABSENT:

Bruce Saito

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Forester's Licensing
Chris Zimny, Regulations Coordinator
Carol Horn, Executive Assistant
Laura Alarcon-Stalians, Staff Services Analyst

DEPARTMENTAL STAFF:

Ruben Grijalva, Director
Bill Snyder, Deputy Director for Resource Management
Russ Henly, Asst. Deputy Director, Resource Management

CALL TO ORDER

Chairman Dixon called the Board of Forestry and Fire Protection to order. Chairman Dixon adjourned to Executive Session.

ADJOURN TO EXECUTIVE SESSION

The Board adjourned to Executive Session.

RECONVENE REGULAR SESSION

The Board reconvened to Regular Session.

ANNOUNCEMENT OF ACTIONS TAKEN IN EXECUTIVE SESSION

Chairman Dixon announced that no action had been taken in Executive Session.

APPROVAL OF MINUTES FROM THE REGULAR MEETINGS OF FEBRUARY AND MARCH, 2007

04-07-05: Member Nawi had some editorial comments to the February and March minutes. Member Nawi said if the Executive Assistant incorporated his edits into the minutes, he would move to approve the February and March 2007 minutes with amendments. Member Nakamura seconded the motion. All were in favor, with one abstention (Member Ostrowski).

REPORT OF THE CHAIRMAN

Chairman Dixon introduced new Board Members Lloyd Bradshaw, who filled an industry representative slot, and Gary Nakamura, who was appointed to a public slot. Chairman Dixon said he was waiting to hear from the Governor's Office on two new appointments to the Board. Chairman Dixon said last week he attended the North Coast Land Trust Workshop, which focused on conservation easements.

Chairman Dixon said he would hold over the remainder of his report until later in the day.

REPORT OF THE DIRECTOR/DEPARTMENT

Chief Ruben Grijalva congratulated new Board Members Bradshaw and Nakamura on their appointment to the Board of Forestry and Fire Protection. He also congratulated Member Nawi on his reappointment to the Board. Chief Grijalva said the Governor signed off on two more Board Members, and they would be announced next week. Chief Grijalva said he had been confirmed by the Senate. Chief Grijalva said Governor Schwarzenegger gave pay raises to the top fifty officials in the State. Chief Grijalva received a pay raise and gave a two year commitment to stay with the Department. Governor Schwarzenegger appointed Kate Dargan to the position of State Fire Marshal.

Chief Ruben Grijalva said the Riverside Unit was the fastest growing unit in the Department, with over 100 stations and ten planned in the next year. Chief Grijalva said the relationship with the Board of Supervisors in Riverside was excellent.

The Chief said the Legislative Analyst Office (LAO) report on the Department recommended legislation to implement SRA fees and to create legislation that says the Department does not protect structures and they are not responsible for emergency medical calls. Chief Grijalva said the Department contracts with other agencies, and 72% of their calls are emergency medical calls. Most of the Department's time is spent fighting vegetation fires in SRA areas. Local Government pays for services delivered to them. The Chief said the LAO said if the Department backed off, Local Government would step up to the plate. Chief Grijalva said the Department would not support the LAO regarding the SRA fees.

Chief Grijalva said the relationship between federal, state, and local government in California is the best in the entire United States. Chief Grijalva will draft an Executive Order to start up staffing resources and putting aviation units back on line in Southern California this month because fire conditions in Southern California are extreme.

REPORT OF THE CALIFORNIA OAK MORTALITY TASK FORCE (COMTF)

A written COMTF report was submitted in the board binders.

REPORT OF BOARD'S ADVISORY COMMITTEES

Forest Pest Council

No report was given.

Range Management Advisory Committee

Mr. Jeff Stephens, RMAC Executive Secretary, reported that RMAC met on March 21. The next RMAC meeting will be held on May 15 and 16, and he invited Board Members to attend.

Mr. Stephens said RMAC received two nominations. The first nomination was for Mr. Leonard Hale, a rancher in Riverside County, representing Watershed Fire Council of Southern California. Mr. Hale was nominated by Mr. Allan West, Chairman of the Watershed Fire Council of Southern California. The term of service is four years, and will expire on January 15, 2011.

The second nomination was for Mr. Neil McDougald, a Fresno and Madera County Livestock and Natural Resources Advisory, University of California Cooperative Extension. Mr. McDougald represents the California Cattlemen's Association. Mr. McDougald was nominated by Ms. Susan Lagrande, Director of Government Relations, California Cattlemen's Association. The term of service is four years, and will expire on January 15, 2011.

04-07-09: Member Nawi moved to accept the two nominations of Mr. Neil McDougald and Mr. Leonard Hale to RMAC. Member Bradshaw seconded the motion. All were in favor and the motion passed unanimously.

RMAC now has a full membership of eleven.

Monitoring Study Group

Executive Officer Gentry reported the Monitoring Study Group will meet next Tuesday, April 10, 2007 at the Mendocino Unit Headquarters, Howard Forest Training Center, 17501 N. Highway 101 in Willits, CA.

Professional Foresters Examining Committee

Mr. Eric Huff, Executive Officer for Forester's Licensing, said the PFEC exam will be given on April 13, and the PFEC will meet on June 14. Mr. Huff said Licensing News is now electronic and accessible through the Board's website.

REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR JACKSON DEMONSTRATION STATE FOREST (JDSF) DRAFT MANAGEMENT PLAN.

Mr. Russ Henly congratulated new Board Members Lloyd Bradshaw and Gary Nakamura on their appointments, and congratulated Member Nawi on his reappointment to the Board. Mr. Henly said staff had been continuing work on the Alternative G recirculation document. Mr. Henly said the document should be ready for Board Subcommittee review in three weeks. Mr. Henly said he had been keeping in touch with the Chairman of Mendocino County Board of Supervisors to get their input on Alternative G. Once the recirculation document is out, there will be a 45-day notice and public comment. Mr. Henly expects to have a final plan and a final DEIR to the Board by August 2007, and it should be operational by 2008.

URBAN FORESTRY PROGRAM UPDATE, PROP 84 FUNDING. RUSS HENLY, ASST. DEPUTY DIRECTOR, RESOURCE PROTECTION AND IMPROVEMENT

Mr. Russ Henly introduced Mr. Glenn Flamik, the Department's Urban Forestry Coordinator; Ms. Abigail Strader, Urban Forester, Riverside Unit; Mr. Dave Rogers, representing United Voices for Healthier Communities, California Urban Forest Council and California Communities Forest Advisory Council; and Ms. Sandy Macias, representing the USDA Forest Service. Mr. Flamik gave a program overview of the Department's Urban Forestry Program and a \$50 million request under Prop. 84. The mission of the Department's Urban Forestry Program is to develop a regional and statewide cooperative effort to advance the development of sustainable urban forests. A copy of Mr. Flamik's presentation is contained in the Board Binder

Mr. Henly gave Executive Officer Gentry a DVD which focuses on urban forestry in CA to give to Board members.

REPORT OF THE CHAIRMAN (Continued)

Chairman Dixon introduced Assembly Member Kevin Jeffries from District 66. Mr. Jeffries gave an update on Assembly Bill 791, which he authored.

Mr. Jeffries said AB 791 would create the California Public Safety Agency (CPSA) aimed at providing a coordinated effort in responding to California's large scale disasters and emergencies.

As drafted, the bill would realign several state departments into the newly created CPSA. Mr. Jeffries said include the California Highway Patrol, CAL FIRE (with the exception of timber management functions), Office of the State Fire Marshal, Office of Traffic Safety, Office of Emergency Services, Department of Homeland Security, and the Emergency Medical Services Authority. Additionally, specified state law enforcement and fire suppression personnel from various departments would also be re-aligned under the new umbrella agency.

Mr. Jeffries said on or before July 1, 2009, the CPSA Secretary and a representative from each department would be required to develop a proposed internal organizational structure and coordinate funding mechanisms while maintaining the basic structures for many of the transferring departments. By January 1, 2011, all of the included departments would be re-aligned into the CPSA.

Mr. Jeffries said with the re-alignment of CAL FIRE, the duty of determining CAL FIRE state responsibility areas for fire protection purposes would become the function of the existing State Board of Fire Services within the Office of State Fire Marshal and CAL FIRE.

Chairman Dixon asked Assembly Member Jeffries if there had been any support or opposition to the bill, and did he anticipate any opposition to the bill

Assembly Member Jeffries said there had been no support or opposition for AB 791, he does anticipate some opposition to the bill, but he does not know who it will be from.

Chairman Dixon asked if Mr. Jeffries had had discussions with the department.

Mr. Jeffries said he had met with the Resources Agency Secretary. He said this was not a new idea, it had been around for many years. Mr. Jeffries said the bill would not change the mission of the department.

Chairman Dixon asked Director Grijalva if he had any questions or comments on AB 791.

Director Grijalva said he had spent time with Assembly Member Jeffries and shared his thoughts with him. Director Grijalva said he did not want to take a position until the Governor's Office had taken a position.

Chairman Dixon asked Mr. Jeffries who Board staff should contact for more information.

Mr. Jeffries said to contact Mr. Joe Patterson, Legislative Aide at (916) 319-2066 for more information on AB 791.

REPORT OF THE EXECUTIVE OFFICER ON THE POTENTIAL REGULATIONS FOR THE ISSUANCE OF INCIDENTAL TAKE PERMITS FOR COHO SALMON. THE BOARD MAY PROVIDE THE EXECUTIVE OFFICER WITH ADDITIONAL GUIDANCE.

Executive Officer Gentry said staff held a workshop on March 31 from 0830 to 1200 to receive input from public on 2112 regulations. Mr. Gentry said they received excellent and detailed comments. He scanned the comments to files and provided them to Board Members along with a digital recording of the workshop. Executive Officer Gentry said it was his intention to make a summarization of all comments and then review them with Department of Fish and Game and the Department and see what issues could be resolved. After the meeting with both departments, he would report to Chairman Dixon. Executive Officer Gentry said both the Department and DFG are working on background material. Executive Officer Gentry said the next edition will not be called Strawman, it would have a regulatory title.

REPORT OF FOREST PRACTICE COMMITTEE

Member Nawi said the Forest Practice Committee discussed the T/I process and where the Committee is at with the process. Member Nawi said it was reported that the Technical Advisory Committee (TAC), under the direction of the Chairman, Board Member Gary Nakamura, wished to have one more meeting and then provide the Committee with a statement of work, and what they recommend for approval. Member Nakamura said he hoped to have the statement of work to the Board members and

public one week before the May Board Meeting. The Department continues working with Mr. Zimny on the scope of work. Following Board approval on the scope of work, a request for proposal could go out. One issue the Committee discussed was the timing of the contract and Member Nawi felt it would be useful to hear from the TAC, based on their knowledge of the contracting process, what the appropriate time to complete the work of the contract would be. It would be more difficult to complete the contract during the summer months as opposed to after the logging season. The FPC discussed the amount of money and how to deal that. The Department committed \$50,000. The TAC feels to receive a quality product they will need more money. Member Nawi said that Chairman Dixon will meet with Secretary Chrisman, Director Grijalva, or Chief Deputy Director Tuttle about increasing that amount. The FPC discussed the role of the TAC in contract performance. It was clarified that the contractor's representative could call the TAC to get advice on answering questions and guidance regarding the contract's function.

Member Nawi asked the Board to authorize staff to put out for a 45-day notice a regulatory change that would change the sunset date of the T/I Regulations from 12/31/07 to 12/31/08.

Member Nawi said Dr. Marty Berbach was leaving the Department of Fish and Game. DFG will provide another representative to replace Dr. Berbach on the TAC.

The last item the Committee discussed was emergency fire hazard regulations and the exemptions in legislation; Member Nawi said the Executive Officer would speak about it in the "Report of the Executive Officer".

04-07-13: Member Nawi made a motion that the Board authorizes the issuance of 45-day notice for a one-year extension to the T/I Rules. Member Ostrowski seconded the motion. All were in favor.

REPORT OF POLICY COMMITTEE

Member Ostrowski said the Policy Committee met yesterday with Members Bradshaw and Nawi in attendance. Member Ostrowski said the Committee reviewed the Board's Draft Policy Statement "The Changing California" and they are nearing completion. The draft statement should be ready for final review at the May Board meeting.

Member Ostrowski said the Committee had an update and discussion on the Monitoring and Tracking Proposal and MSG paper on Agency Monitoring. The MSG requested the Board's approval to further evaluate monitoring and tracking in California. The Policy Committee agreed to move forward with monitoring.

The Committee worked on the review of the proposal of joint salmonid policy from 2001. They completely reviewed last year's update. The Committee agreed to move forward with reviewing the policy. Member Ostrowski said they are putting together report work plan that the Board and Commission could address on joint salmonid issues. Executive Officer Gentry will work up an outline for the Policy Committee to review at next month's meeting.

Member Ostrowski said the Committee heard an update on the Board and Department's Climate Change and Biomass activities. Member Ostrowski did not go into details of the discussion, as Executive Officer Gentry would be making a presentation on the subject to the full Board later in the meeting.

REPORT OF MANAGEMENT COMMITTEE

Member Giacomini said the Management Committee of one met yesterday. Last month the Management Committee had some additional changes to the Road Management Plan. Board Counsel re-reviewed the package and had no additional changes. Member Giacomini said she learned that staff received another letter from Sharon Duggan, representing EPIC. A complete version of the Road Management Plan is on the Board's website.

04-07-13: Member Giacomini made a motion that the Board authorize staff to put out a 45-day notice for the Road Management Plan. Member Nawi seconded the motion. All were in favor of the motion.

Member Giacomini said the Committee did not have an update on the PTEIR Guidance document.

REPORT OF RESOURCE PROTECTION COMMITTEE

Member Giacomini welcomed Member Nakamura to the Resource Protection Committee. Member Giacomini said they went through the Fire Plan and Level of Service.

The Committee reviewed one General Plan Update for Lake County. Member Giacomini asked the Board to move forward with letting Mr. Zimny send it back to Lake County with recommendations. Chairman Dixon said the Board did not have to formalize moving the Plan forward with a motion.

Member Giacomini said the Committee discussed the Vegetation Treatment Program/Policy Review. The Committee should have the documentation from the contractor by May 1. Member Giacomini said she needed an additional subcommittee member, and asked Chairman Dixon if Member Saito could replace Mr. Bosetti. Member Giacomini said they were having a difficult time getting to the program analysis. Ms. Giacomini said she just talked to Director Grijalva requesting additional assistance on the General Plan Safety Element Reviews.

The Committee had an update from Chief Mitchell on the California Fire Plan, including review of findings and recommendations on Level of Service from the 1996 Plan and discussion of Level of Service Goals. The SFM's Office will hold a hearing in every county in California. Member Giacomini requested Chief Mitchell make a presentation to the full Board.

REPORT OF THE REGULATIONS COORDINATOR

Regulations Coordinator said there was one active regulation on file (power line exemption), two to be submitted (RMP and T or I extension) with three more pending: the two fuel hazard reduction rules and the Coho Regulation. Mr. Zimny said that made five regulations pending, and they need to get out by July. Mr. Zimny said regarding fire hazard maps, the Regulations Coordinator would be involved in all of the 56 county meetings and in processing all of the comments.

**REPORT OF EXECUTIVE OFFICER -- UPDATE ON CLIMATE CHANGE, FOREST PROTOCOLS.
DISCUSSION OF THE PROPOSED MEMORIAL TREES FOR AIR ATTACK 410.**

The Executive Officer reported on some the legislation pending. He remarked that a great deal of interest was being paid to SRA lands and the fire protection system. He also noted the LAO report sent to the Board last week, which echoed some of these concerns. The executive Officer wanted to note that the Board has a strong interest in these issues, as they all impact the Board's responsibilities in statute. The Board staff is offering a recommendation for the Board to proceed with hearings on the issue raised by the LAO and others in order to be proactive.

The Executive Officer reported on discussions regarding AB1515 (LaMalfa) with the Assembly Member's staff. Based on discussions in front of the Forest Practice Committee, and previously provided information, AB1515 was amended. The staff requests that the Board provide direction as to what support they should provide.

The Executive Officer had hoped to present a resolution on Air Attack 410, for the purpose of designating the memorial trees. The EO did not finish the resolution and wants additional input prior to finalizing it.

The EO reported on the climate change issue. As an example, the Board today heard a presentation on urban forestry issue. The EO has committed the Board to being a formal stakeholder in the process of developing urban protocols. As was discussed in committee, AB 32 empowered the Air Resources Board to move forward on their issues and protocol adoption. This is a wide ranging issue, and the Board lacks enough staff to fully participate. The Executive Officer asked the Board to prioritize actions and provide direction. The EO will support the Department on their activities in climate change to the extent he can.

The Chairman stated that Member Nawi be the Board liaison to the ARB to help the EO with this task.

Member Nawi said yes, depending on the time commitment.

Member Nawi asked about the hearing/workshop idea the EO offered for fire protection issues. He expressed concern over the time commitment.

The Chairman said he supported the idea, but shared the concern of being spread too thin. He suggested the Policy committee could put together a strategy for public workshops.

Member Owstrowski supported the suggestion.

Member Nakamura asked if there a process to ask for more resources. The Board is very understaffed.

Chairman Dixon noted that the BCP process is available, although unlikely.

Deputy Director Bill Snyder commented that a lot of his staff is committed to helping board, e.g. Pete Cafferata and Jeff Stephens.

The Executive Officer asked the Board's pleasure with regard to AB 1515.

Member Nawi expressed concern over a lack of a specific agenda item, but was satisfied with the language used in the EO's agenda item. He recommended that staff work with the assemblyman and report back to board. After that, add interested stakeholders for further discussion.

Deputy Director Bill Snyder asked the Board to consider an increase in diameter limits for the LaMalfa exemption.

Member Nawi stated that the priorities for the staff should be: LaMalfa legislation, the 2112 regulations, and the Board Policy statement. He felt that the joint anadromous policy can wait if necessary.

PUBLIC FORUM

Mr. Kevin O'Meara, representing CDF Firefighters, said in regard to the memorial trees for Air Attack 410, the families were supportive, but emotional because of the trial. Mr. O'Meara said CDF Firefighters opposed AB 792 in its current form, especially removing SRA authority from the Board.

ADJOURNMENT

Chairman Dixon adjourned the April 5, 2007 meeting of the Board of Forestry.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.